

REMARKS

Claims 1-9 were filed in the application. The Office withdrew claims 4-9 from consideration, as drawn to non-elected subject matter, leaving claims 1-3 under examination. In an Amendment dated January 7, 2003, Applicants amended claims 1-3 and added new claims 10-20. In a subsequent Office Action, dated April 4, 2003, the Office found claims 2, 3, and 10-19 allowable. (Office Action, Item 18.)

With this Amendment, Applicants have cancelled claims 1, 4-9, and 20, leaving only allowable claims 2, 3, and 10-19 pending and under examination. Additionally, Applicants have amended Table 1 found at page 13 of the specification. L (leucine) residue number 234 of SEQ ID NO: 1 (WT*) has been replaced with I (isoleucine). Support for this amendment is found in the sequence listing (SEQ ID NO: 1) as filed, and no new matter enters by amendment.

Formal Matters

Applicants have also submitted a revised sequence listing correcting two amino acid residues in SEQ ID NOS: 12-20. In particular, Asp (asparagine) 80 has been replaced with Tyr (tyrosine), and Thr (threonine) 130 has been replaced with Lys (lysine) for each of these identifiers. SEQ ID NOS: 12-20, which respectively correspond to kanamycin nucleotidyltransferase sequences KT3-1, KT3-3, KT3-5, KT3-7, KT3-12, KT3-13, KT3-15, KT3-16, and KT3-19, were derived from SEQ ID NO: 1 (WT*). (Table 1; page 11, l. 7 to page 12, l. 1.) Because SEQ ID NO: 1 (WT*) contains Tyr (tyrosine) at position 80 and Thr (threonine) at position 130, SEQ ID NOS: 12-20 should also contain these residues. No new matter enters by the submission of the revised sequence listing.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Claim Rejections

Claim 20 stands rejected under 35 U.S.C. § 112, first paragraph, for allegedly containing new matter. Claims 1 and 20 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description support. Claims 1 and 20 also stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement. (Office Action at Items 9, 13, 14, 15, and 17.) Applicants have canceled claims 1 and 20, thus rendering these rejections moot.

Applicants respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 2, 3, and 10-19 in condition for allowance. Applicants submit that the proposed amendment to the specification does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 3, 2003

By: Rebecca M. McNeill
for: Jean B. Fordis Reg. No. 32,984
Reg. No. 43,796

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Table 1 – Amino acid substitutions in the KNT mutant strains

SEQ ID NO:	Residue No.	2	17	25	57	61	62	66	75	91	94	102	112	116	117	159	188	190	196	197	198	199	203	206	207	211	220	234	238	246
1	WT*	N	H	D	M	E	A	H	V	Q	S	Q	S	L	E	T	S	S	V	K	Q	S	S	D	H	F	S	[(L)]	T	D
12	KT3-1		Y						A	R		R	P	F					L											
13	KT3-3			N	L	G	V		A	R	P	R			G															
14	KT3-5					G		Y	A	R	P	R													L					
15	KT3-7	S			G			Y	A	R	R	R	P	F							L	P								N
2	KT3-11	K			G			Y	A	R	R	R	P	F								P								
16	KT3-12						T	Y	A	R	P	K	T		L	G			R			P	P							
17	KT3-13				G			Y	A	R	R	R	P	F								P		V	Q					A
18	KT-3-15				G			Y	A	R	R	R	P	F								P		V	Q					
19	KT3-16				G			Y	A	R	P	K	P									P		V	Q					P
20	KT3-19				L			Y	A	R	P	K	P									P		V	Q					
3	HTK	K			L	G	V	Y	A	R	P	R	P	F								P	P	V	Q	L	P	V	A	